



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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September 10, 2010

Mr. Charles Walden, Project Manager
Directorate of Public Works
Prevention and Compliance Branch
Environmental Division
1550 Frank Cochran Drive, Building 1137
Fort Stewart, GA 31314-4928

Subject: Final Environmental Impact Statement (FEIS) for Training Range and Garrison
Support Facilities Construction and Operation at Fort Stewart, Georgia; CEQ Number
20100306

Dear Mr. Walden:

The U.S. Environmental Protection Agency (EPA) is providing comments on the above referenced FEIS pursuant to its responsibilities under the Clean Air Act (CAA) § 309 and National Environmental Policy Act (NEPA) § 102 (2)(C). We gave the Draft EIS (DEIS) a rating of "EC -2", environmental concerns. Our concerns in the DEIS were primarily focused in the areas of noise, water quality, and aquatic resource impacts. Overall, we find that neither the FEIS nor the responses to our DEIS comments adequately addressed our concerns. As our comments below indicate, we continue to have concerns regarding our priority areas: water quality and aquatic resource impacts.

Background

Fort Stewart (Fort) comprises approximately 279,270 acres (435.9 mi²), and is the largest military installation east of the Mississippi River and the largest federal landholder in Georgia. The Fort is located on a relatively flat, coastal landscape of sandy soils, riparian areas, and marshland. The National Wetlands Inventory indicates 91,960 acres (30%) of the Fort are wetlands. The Fort has implemented a wetland mitigation banking program by restoring the Canoochee Creek reservoir, a 1,086-acre pond, to its original hydrologic regime of a free-flowing stream and the restoration of an adjacent ecosystem. Over 400 acres of tank trails and 246,553 acres of training/maneuver areas, of which 123,335 acres is designated as contiguous heavy maneuver area, are used for training activities and 19,985 acres are designated as impact/restricted areas, including a cantonment area. The Fort has over 30,000 buildings, most of which are located in the cantonment area.

Proposed Action

The proposed action consists of two categories of projects: the construction and operation of twelve new ranges and two new garrison support facilities. The proposed action is

needed because the Fort's existing facilities have become inadequate to support its mission. The range projects are needed to modernize ranges to create a more realistic training environment.

EPA Concerns

Water Quality

- EPA continues to have concerns regarding surface and ground water quality associated with the construction and operation of the ranges and garrison support facilities, particularly the potential to detrimentally affect streams in the area including any listed impaired streams. Details of these concerns were provided in the DEIS comments.
- EPA notes Georgia Environmental Protection Division's (EPD) comments in their June 30, 2010, comment letter (enclosed). Particularly, the following comments:
 - "The applicant has failed to address potential impacts to Clean Water Act (CWA) 303(d) listed impaired waters of the state."
 - "The proposal needs to identify all potential impacts (from stormwater runoff, dirt roads, contaminants from ammunition, operation of heavy equipment for operations, etc.) to waters of the state and discuss what permanent measures will be taken to prevent aquatic degradation."
 - "The applicant's proposal also does not consider the TMDL that addresses copper and lead as pollutants for the Tributary to Taylors Creek (Location: Drainage Canal to Taylors Creek, Fort Stewart). This is a big concern considering the ammunition involved in the operations of these projects."
 - "Lead and copper migration to surface waters and groundwater needs to be addressed. Though lead is relatively insoluble at a neutral pH, contact between slightly acidic stormwater and lead contaminated soils could result in surface water and groundwater pollution."
 - "The applicant's stormwater management plans need to show how construction of these ranges will be designed to consider such impacts. To address the water quality concerns above, we recommend that the applicant propose a monitoring plan that includes the collection of baseline data and adaptive management measures in the event that pollution occurs as a result of these projects."

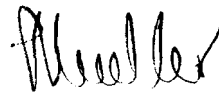
Aquatic Resource Impacts

- EPA continues to find that the Fort's application for a CWA § 404 permit to be premature, since it preceded the FEIS, Record of Decision (ROD) and the final project design plans. Throughout the Army's responses, there were references to incomplete design plans. We do not understand why CWA § 404 permits are being sought for such ill-defined projects. EPA's experience with CWA § 404 permits for other Army installations, e.g., Fort Benning, are such that permits issued on the basis of vague conceptual plans frequently require modification. Failure to modify the plans has led to compliance issues. A preferred approach would be to apply for the permits as needed and as the designs are more complete.
- EPA continues to disagree with the use of the Savannah District Standard Operating Procedure (SOP) without an appropriate scaling factor consistent with our DEIS comments. Consistent with our DEIS comments, we contend an inadequate amount of compensatory mitigation was calculated through a misapplication of the SOP and will result in a net loss of wetland functions.

- EPA continues to have concerns with the proposed compensatory mitigation plan because it does not first debit the Fort Stewart mitigation bank. Instead credits are to be purchased from the Wilkinson-Oconee Mitigation Bank prior to permit application. We respectfully suggest the Army amend its procurement procedures to comply with federal regulations, e.g., § 404 permitting and mitigation.
- Fort Stewart uses the status of the Wilkinson-Oconee Mitigation Bank as an approved mitigation bank to justify its selection. This selection does not comply with the 2008 Mitigation Rule (Rule) requirements, which require the permittee to apply a watershed approach to evaluate all mitigation options, including the selection of an appropriate mitigation bank. The Rule notes this is particularly important for projects with large impacts such as this one. The FEIS does not provide evidence where Fort Stewart applied the type and scope of watershed approach as specified in the Rule.
- Finally, EPA found the responses to comments on the potential water quality impacts of ordnance to be used on the ranges to be vague and rely on studies that are underway. The enclosed comments from the Georgia EPD highlight concerns with potential contaminants to 303(d) listed streams and the need to do thorough TMDL analyses.

Thank you for the opportunity to review and provide comments. EPA recommends that the Army address our concerns in the ROD for this project. If you wish to discuss this matter further, please contact Beth Walls (404-562-8309 or walls.beth@epa.gov) of my staff regarding NEPA issues and Bob Lord (404-562-9408 or lord.bob@epa.gov) for aquatic-resource impacts.

Sincerely,



Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosure: Georgia EPD June 30, 2010, Fort Stewart comment letter

cc: District Engineer, Savannah District, U.S. Army Corps of Engineers



Georgia Department of Natural Resources

COASTAL DISTRICT OFFICE

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June 30, 2010

Mr. Mark Padgett
Senior Project Manager
U.S. Army Corps of Engineers
100 W. Oglethorpe Ave.
Savannah, GA 31402

Subject: SAS-2009-00885 – Digital Multipurpose Training Range (DMPTR)
SAS-2009-00884 – Infantry Platoon Battle Course (IPBC)
SAS-2009-00786 – Multi Purpose Machine Gun Range (MPMGR)
SAS-2009-00886 – Qualification Training Range (QTR)

Dear Mr. Padgett,

GAEPD has reviewed the proposals and supporting documents for the above referenced range projects located at Fort Stewart in Liberty County, Georgia. While we recognize the need for these projects for national defense efforts, they are subject to compliance with federal and state regulations. We ask that the applicant and the USACE (Corps) address the following comments before issuance of a 401 Water Quality Certification.

We did not receive most of the supporting documents for these projects until after the comment period in the joint public notice (JPN) expired. This caused a delay in our 401 review process. Our greatest concerns with the proposals are lack of information, inconsistencies throughout the supporting documents, and the mitigation plans. The applicant is requesting a Section 404 Permit and 401 Water Quality Certification (WQC) at a time in the planning process for these projects when impacts to aquatic resources are unknown. This is very problematic. The applicant purchased credits from an out-of-kind mitigation bank in 2009 to compensate for these unknown impacts without coordination and approval from the Interagency Review Team (IRT). We believe this action is not compliant with the provisions of 33 CFR Parts 325 and 332 and 40 CFR Part 230 "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule" ("Federal Mitigation Rule") published in the Federal Register Volume 73, Number 70, on April 10, 2008.

The applicant has failed to address potential impacts to 303(d) listed impaired waters of the state. The Draft Environmental Impact Statement (EIS) for the proposed range projects references an outdated 2004 303(d) list. The applicant needs to include the 2008 303(d) list along with associated TMDLs in their assessment of impacts to impaired waters. Also, the listed nearest waterbody to these project sites on the 401 application differs from the listed nearest waterbody in the Draft EIS. This needs to be clarified and included in the assessment. Some of the waterbodies adjacent to the project sites are listed as impaired as a result of low dissolved oxygen levels. The proposal needs to identify all potential impacts (from stormwater runoff, dirt

roads, contaminants from ammunition, operation of heavy equipment for operations, etc.) to waters of the state and discuss what permanent measures will be taken to prevent aquatic degradation. The applicant's proposal also does not consider the TMDL that addresses copper and lead as pollutants for the Tributary to Taylors Creek (Location: Drainage Canal to Taylors Creek, Fort Stewart). This is a big concern considering the ammunition involved in the operations of these projects. Lead and copper migration to surface waters and groundwater needs to be addressed. Though lead is relatively insoluble at a neutral pH, contact between slightly acidic stormwater and lead contaminated soils could result in surface water and groundwater pollution. The applicant's stormwater management plans need to show how construction of these ranges will be designed to consider such impacts. To address the water quality concerns above, we recommend that the applicant propose a monitoring plan that includes the collection of baseline data and adaptive management measures in the event that pollution occurs as a result of these projects.

GAEPD attended site visits on June 18, 2010. At these site visits, we were told that for some project areas there will be more wetland impacts than what was proposed in the supporting documents, and for other areas there will be fewer impacts. We were also told that the amount of impacts to jurisdictional and non-jurisdictional wetlands is still unknown and that the figures given represent a worse case scenario. During these visits, we noted that the SOP calculations did not appropriately identify certain factors. For portions of three of the four ranges (IPBC, MPMGR, & QTR), a lost kind factor of Kind B (non-riverine forested wetlands) is proposed for riverine wetlands. The applicant responded to this concern after the site visit in an e-mail stating that the wetlands were properly classified as palustrine. GAEPD agrees that the applicant has properly classified these wetlands as palustrine. Nevertheless, they are hydrologically connected to linear features (as shown on USGS quad maps) as opposed to being depressional or "isolated" (non-riverine) wetlands. The SOP calculation sheets need to be modified to reflect these features. If said wetlands were non-riverine as classified by the applicant, mitigation through credit purchase from Wilkinson-Oconee Mitigation Bank, a bank consisting of riverine wetlands, would be considered out-of-kind. We also note that the use of the current SOP to calculate mitigation requirements may not fully provide compensatory mitigation since it is intended for use with projects that involve much fewer impacts to wetlands than these range projects. We would like to work with the USACE Savannah District and other agencies of the IRT to develop a more appropriate SOP for use with large projects.

Page 6-7 (Section 6.4.1.1) of the Draft EIS states the following: "The Army's purchase of these compensatory credits was coordinated through the US Army Corps of Engineers – Regulatory utilizing the criteria and procedures set forth in the Compensatory Mitigation Rule For Losses of Aquatic Resources found at 33 C.F.R. 332.1, et seq." If this is true, then we request a response from the USACE Savannah District explaining why this problematic mitigation plan was approved by your office without consultation with the IRT. In addition to the mitigation plan being inappropriate due to the uncertainty of impacts, it was executed prior to the issuance of a Section 404 Permit, 401 WQC, and JPN. This plan was also executed before being reviewed by GAEPD. For all of these reasons, we believe this mitigation plan and its unauthorized execution is inconsistent with provisions of the Federal Mitigation Rule. Also, 33 CFR 332.3(b)(1) states the following: "Compensation for impacts to aquatic resources in coastal watersheds should also be located in a coastal watershed where practicable." Since the Wilkinson-Oconee Mitigation

Bank, located over 100 miles northwest of the project sites, is in a different watershed and ecoregion than the project site, use of this bank does not provide in-kind mitigation to adequately compensate for lost function at the project sites. If the applicant had waited until the appropriate time to propose a mitigation plan before appropriately implementing it, credits from other mitigation banks may have been available to provide in-kind mitigation. It should also be noted that the applicant could have provided some in-kind mitigation for these range projects by debiting the remaining credits of their own on-site mitigation bank. We feel the reasons given by the applicant for preserving these credits for unknown future projects, rather than using them for the range projects, do not justify a proposal to provide out-of-kind mitigation.

Since the issuance of the original supporting documents, JPN comment period, and site visit, the applicant has provided GAEPD with documentation of wetland impacts that differ from earlier proposals in the 401 Application, Draft EIS, and JPN. In the case of the DMPTR project, where the proposed impacts have increased, it would seem appropriate to require another JPN comment period. We also note that the applicant has not proposed mitigation for impacts to “isolated” wetlands for the DMPTR project as required by the USACE Savannah District. In an attempt to clarify the inconsistencies described above, we requested some “final” figures from the applicant, including the number credits they had purchased from the Wilkinson-Oconee Mitigation Bank for each project. We were given the following information (which differs from the information in the JPN):

MPMGR – 103.34 acres of impact/797.77 credits purchased
IPBC – 5.39 acres of impact/40.35 credits purchased
DMPTR – 43.6 acres of impact/336.79 credits purchased
QTR – 26.7 acres of impact/216.27 credits purchased

This information remains inconsistent with the figures in the credit ledger (obtained from RIBITS) for the Wilkinson-Oconee Mitigation Bank that reflects the following:

200900786 (MPMGR) – 1103 credits purchased
200900884 (IPBC) – 88 credits purchased
200900885 (DMTR) – 288 credits purchased
200900885 (DMTR) – 72 credits purchased
200900886 (QTR) – 37 credits purchased

Considering the lack of information along with contradictory information provided in these proposals, it is not possible for GAEPD to issue a defensible 401 WQC at this time. Overall, the applicant’s attempt to obtain a 401 WQC for these projects that involve multiple versions of inconsistent and incomplete plans has resulted in a very lengthy review process, during which, urgency for timely approval has been emphasized by yourself and the applicant. We recommend that the applicant consider the problems addressed in this letter for future proposals, as GAEPD would like to work with Ft. Stewart and the USACE Savannah District to provide certifications in a timely manner. We look forward to working with Ft. Stewart to resolve these issues. Please contact me with any questions you may have regarding these comments.

Sincerely,

Dale Caldwell
Environmental Compliance Specialist

Cc: Richard Morgan, USACE Savannah District
Kurt Flynn, Ft. Stewart
Robert Lloyd, Ft. Stewart
George Harris, Ft. Stewart
Russell Moncrief, Ft. Stewart
Mike Andersen, Tidewater Environmental Service, Inc.
Kelie Moore, GADNR-CRD
Bob Lord, USEPA Region 4
Bill Wikoff, USFWS